

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRYAN MONTEZ JAMES,

Petitioner,

v.

JEFF UTTECHT,

Respondent.

NO. CV-08-318-JPH

**ORDER ADOPTING REPORT  
AND RECOMMENDATION TO  
DENY WRIT OF HABEAS  
CORPUS**

On March 2, 2009, Magistrate Judge Hutton entered a Report and Recommendation, recommending that Petitioner's Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus by a Person in State Custody (Ct. Rec. 1) be denied (Ct. Rec. 12). Objections were to be filed on or before March 18, 2009. No objections have been filed.

Having reviewed the Report and Recommendation and the files and records herein, the Court adopts the Magistrate Judge's Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation to Deny Writ of Habeas Corpus (Ct. Rec. 12) is **ADOPTED**, in its entirety.

2. Petitioner's Petitioner under 28 U.S.C. § 2254 For Writ of Habeas Corpus by a Person in State Custody (Ct. Rec. 1) is **DENIED**.

3. Judgment is entered in favor of Respondent and against Petitioner.

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**ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY  
WRIT OF HABEAS CORPUS ~ 1**

1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 Order, forward copies to Petitioner and counsel, and close the file.

3       **DATED** this 9<sup>TH</sup> day of April, 2009.

4                               *S/ Robert H. Whaley*

5                               ROBERT H. WHALEY  
6 Chief United States District Judge

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